

1 SOMACH SIMMONS & DUNN
2 A Professional Corporation
3 STUART L. SOMACH, ESQ. (SBN 90959)
4 MAXIMILIAN C. BRICKER, ESQ. (SBN 350150)
5 500 Capitol Mall, Suite 1000
6 Sacramento, CA 95814
7 Telephone: (916) 446-7979
8 Facsimile: (916) 446-8199
9 ssomach@somachlaw.com
10 mbricker@somachlaw.com

11 MICHAEL W. DAUGHERTY, ESQ. (Co. Bar 49074)
12 *Pro Hac Vice* Forthcoming
13 RAMSEY L. KROPF, ESQ. (Co. Bar 21528)
14 *Pro Hac Vice* Forthcoming
15 1155 Canyon Blvd., Suite 110
16 Boulder, CO 80302
17 Telephone: (916) 446-7979
18 Facsimile: (916) 446-8199
19 mdaugherty@somachlaw.com
20 rkropf@somachlaw.com

21 Attorneys for [PROPOSED] Plaintiff-Intervenor
22 YUHAAVIATAM OF SAN MANUEL NATION,
23 a federally recognized Indian tribe, also federally
recognized as SAN MANUEL BAND OF MISSION INDIANS

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
17 **EASTERN DIVISION – RIVERSIDE**

18 BLUETRITON BRANDS, INC.,
19 Plaintiff,
20 v.
21 UNITED STATES FOREST SERVICE,
22 RANDY MOORE, in his official
23 capacity as Chief of the U.S. Forest
Service,

Case No.: 2:24-cv-09720-JGB-DTB
**PLAINTIFF-INTERVENOR'S
NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION; MOTION FOR
ORDER SHORTENING TIME FOR
HEARING¹**
**EXPEDITED HEARING
REQUESTED**
Hearing Date: **January 13, 2025**

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26 ¹ Please note that the Nation's counsel's legal staff inadvertently did not file the January 3, 2025,
27 version of this notice and motion alongside its Notice and Motion to Intervene of Yuhaaviatam of
28 San Manuel Nation; Memorandum of Points and Authorities; Motion for Order Shortening Time
for Hearing (ECF No. 64). It is filed now in redline to reflect how it would have appeared on
January 3, 2025, and to also reflect updated hearing information based on the Court's Order
Shortening Time for Hearing on Yuhaaviatam of San Manuel Nation's Motion to Intervene and
Motion for Preliminary Injunction (ECF No. 68).

1 CHRISTOPHER FRENCH, in his
2 official capacity as Deputy Chief for the
3 National Forest System of the U.S. Forest
4 Service,

5 JENNIFER EBERLEIN, in her official
6 capacity as Regional Forester for the
7 Pacific Southwest Region of the
8 U.S. Forest Service,

9 DANELLE HARRISON, in her official
10 capacity as Forest Supervisor of the San
11 Bernardino National Forest of the
12 U.S. Forest Service,

13 MICHAEL NOBLES, in his official
14 capacity as Front Country District Ranger
15 of the U.S. Forest Service,

16 Defendants.

17 YUHAAVIATAM OF SAN MANUEL
18 NATION, a federally recognized Indian
19 tribe, also federally recognized as SAN
20 MANUEL BAND OF MISSION
21 INDIANS,

22 [PROPOSED] Plaintiff-Intervenor.

23 February 3, 2025

24 Hearing Time: 9:00 AM

25 Courtroom: 1

26 Judge: Hon. Jesus G. Bernal

27 Action Filed: August 6, 2024

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16 **NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION**

17 Pursuant to Fed. R. Civ. P. 65(a) and C.D.C. Civ. LR 65-1, Plaintiff-Intervenor
18 Yuhaaviatam of San Manuel Nation, a federally recognized Indian tribe, also
19 federally recognized as San Manuel Band of Mission Indians (the Nation)
20 respectfully moves this Court to preliminarily enjoin the U.S. Department of
21 Agriculture and U.S. Forest Service (collectively, “Defendants”) from enforcing the
22 July 26, 2024 “Notice of Denial of Application for Use and Occupancy of National
23 Forest Lands; Termination of Special Use Permit FCD728503” (Notice of Denial)
24 ECF No. 1-1, as it pertains to the delivery of the water by Plaintiff BlueTriton
25 Brands, Inc. to the Nation for use at Arrowhead Springs until an out-of-court solution
26 can be reached or the Court has entered a final decision in this case. Such an
27 injunction will preserve the status quo for water deliveries that the Nation relies on to

1 operate its culturally and historically significant Arrowhead Springs property and on
2 which surrounding communities depend on to fight wildfires. This motion is
3 supported by the memorandum and declarations filed separately.

4 **MOTION FOR ORDER SHORTENING TIME FOR HEARING**

5 While a hearing on this motion has been noticed for January 13~~February 3~~,
6 2025, due to the exigent circumstances described in the supporting memorandum, the
7 Nation requests that the Court enter an order, pursuant to L.R. 6-1, shortening time
8 such that a hearing on the Nation's Motion for Preliminary Injunction will be held on
9 January 13, 2025, at 9:00 a.m., on the same date a hearing on Plaintiff BlueTriton
10 Brands, Inc.'s Motion for Preliminary Injunction will be held. *See* ECF No. 60. The
11 Nation proposes setting an expedited briefing schedule such that the deadline to file
12 response briefs is January 8, 2025, and the deadline to file reply briefs is January 10,
13 2025.

14 Pursuant to L.R. 7-3, the Nation's counsel has conferred with counsel for
15 Plaintiff and Defendants. Plaintiff consents to this expedited briefing and hearing
16 schedule; Defendants oppose it.

17 Respectfully submitted,

18 SOMACH SIMMONS & DUNN

19 Dated: January 36, 2025 By s/ Stuart L. Somach
20 Stuart L. Somach (SBN 90959)
21 Maximilian C. Bricker (SBN 350150)
22 Attorneys for [Proposed] Plaintiff-Intervenor
23 YUHAAVIATAM OF SAN MANUEL
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25 also federally recognized as SAN MANUEL
26 BAND OF MISSION INDIANS